


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING AND REENACTING OAKLAND MUNICIPAL CODE CHAPTER 3.08 SECTION 3.08.015 TO APPLY THE TIMING FOR CONSOLIDATED ELECTIONS AS SET FORTH IN CALIFORNIA ELECTIONS CODE SECTIONS 10262(b) & 10263(b) TO ALL SPECIAL MUNICIPAL ELECTIONS

WHEREAS, the California Constitution, Article XI, section 5(b) grants charter cities the power to provide in their charters for the conduct of city elections; and

WHEREAS, Oakland City Charter section 1103 provides that all City elections and procedures relating thereto shall be in accordance with the applicable provisions of state law, except as otherwise may be provided by ordinance or the City Charter; and

WHEREAS, Oakland Municipal Code (OMC) Chapter 3.08 *Municipal Elections* sets forth the laws the City Council has adopted to govern the City's municipal elections; and

WHEREAS, OMC section 3.08.010 similarly provides that all City elections and procedures relating thereto shall be, "where practicable," in accordance with the applicable provisions of state law relating to elections in general law cities; and

WHEREAS, pursuant to California Elections Code section 15372, the Alameda County Registrar of Voters (ROV), who administers the City's elections, has until 30 days after an election, to prepare and provide the certified statement of results of the election to the City and this deadline applies to all elections. (Elec. Code § 15300 (stating that Chapter 4 of the Elections Code, which includes section 15372, applies to all elections); and

WHEREAS, for consolidated elections, California Elections Code sections 10262(b) and 10263(b), respectively, state that the City Clerk, upon receipt of the results from the elections official conducting the election, shall certify the results to the City Council and the City Council, shall declare the results of the election no later than the next regularly scheduled City Council meeting or at a special meeting called for this purpose; and

WHEREAS, for elections that are not consolidated, California Elections Code sections 10262(a) and 10263(a), respectively, state that the City Clerk shall certify the election results to the City Council and the City Council shall adopt a resolution declaring the results of the election no later than the fourth Friday after the election; and

WHEREAS, the 30-day deadline for the ROV to provide the City with certified election results under California Elections Code section 15372 is longer than the deadline under California Elections Code sections 10262(a) and 10263(a) for the City to certify and declare the results of an election that has not been consolidated; and

WHEREAS, California Elections Code sections 10262(a) and 10263(a) conflict with section 15372 and potentially make it impracticable for the City Clerk to certify the election results and for the Council to declare the election results and install newly elected officers by the fourth Friday after the election for any election that was not or could not have been consolidated with a statewide general election; and

WHEREAS, the City's April 15, 2025 Special Municipal Election is currently underway and has not been consolidated with a statewide general election because no such election fell within the additional 90 days beyond the first 120 days of the vacancies of the Office of the Mayor or District 2 Council Office within which the City's Charter required such elections to be held (Charter §§ 303, 205); and

WHEREAS, the City Council wishes to avoid the potential recurring conflict described above by applying the timing for consolidated elections as set forth in California Elections Code sections 10262(b) and 10263(b) and adopting local law consistent with these provisions to apply to all special municipal elections, whether consolidated or not; and

WHEREAS, the adoption of this provision will provide clarity and consistency in the administration of the City's elections; and

WHEREAS, the City Council intends that this Ordinance shall apply to the April 15, 2025 Special Municipal Election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby adopts the amendment of Title 3, Municipal Elections, Article III, Chapter 3.08, section 3.08.015 of the Oakland Municipal Code as set forth below (additions are shown in underline; deletions are shown in strikethrough):

3.08.015 ~~2011~~ Special municipal elections.

The City Council shall have the power to call a special municipal election by resolution ~~for November 15, 2011~~, provided that the election date must be at least eighty-eight (88) days after the date that the City Council calls the election and, notwithstanding

any other provision of the State of California Elections Code. ~~Further, for purposes of the special election,~~ Except as otherwise provided by Ordinance or City Charter, the City Council shall have the power and may exercise the option to utilize alternative voting procedures in addition to mail ballot voting, including, but not limited to, ~~mail ballot voting~~, electronic voting, and extended voting periods and/or traditional in-person voting at polling places. Upon receipt of the certified results of the election from the elections official conducting the election, the City Clerk shall certify the results to the City Council and the City Council shall declare the results of the election and install the newly elected officers no later than the next regularly scheduled City Council meeting or at a special meeting called for that purpose.

SECTION 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional

SECTION 3. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, KAPLAN, RAMACHANDRAN, UNGER, AND
PRESIDENT PRO TEMPORE GALLO

NOES –

ABSENT – COUNCIL PRESIDENT JENKINS (serving as Mayor pursuant to Charter Section 303)

ABSTENTION –

ATTEST: _____

ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

3411455 / SW

NOTICE AND DIGEST

ORDINANCE AMENDING AND REENACTING OAKLAND MUNICIPAL CODE CHAPTER 3.08 SECTION 3.08.015 TO APPLY THE TIMING FOR CONSOLIDATED ELECTIONS AS SET FORTH IN CALIFORNIA ELECTIONS CODE SECTIONS 10262(b) & 10263(b) TO ALL SPECIAL MUNICIPAL ELECTIONS

This Ordinance rescinds a prior Ordinance related to a 2011 Special Municipal Election and restates it to allow, upon receipt of the certified results of the election from the elections official conducting the election, the City Clerk to certify and the City Council to declare the results of a special election, whether consolidated or not, and install newly elected officers no later than the next regularly scheduled City Council meeting or at a special meeting called for that purpose.